

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

<b>TERRY L. LYMON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CAUSE NO. 1:20-cv-000169-HAB-SLC</b>
	)	
<b>UAW LOCAL UNION #2209,</b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

Before the Court is a motion to compel filed by Plaintiff seeking to compel nonparty General Motors, LLC (“GM”), to comply with a *subpoena duces tecum*. (ECF 53). Neither Defendant nor GM has filed a response to the motion, and their time to do so has now passed. N.D. Ind. L.R. 7-1(d)(3). Accordingly, Plaintiff’s motion is unopposed. For the following reasons, Plaintiff’s motion (ECF 53) will be GRANTED.

Pursuant to Federal Rule of Civil Procedure 45(a)(1)(A)(iii), a subpoena may command any person to whom it is directed to “produce designated documents, electronically stored information, or tangible things in that person’s possession, custody, or control . . . .” While a person commanded to produce documents may object to a subpoena, “[t]he objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served.” Fed. R. Civ. P. 45(d)(2)(B). Further, pursuant to Rule 45(c)(2)(A), any such subpoena may only command production “within 100 miles of where the [subpoenaed] person resides, is employed, or regularly transacts business in person . . . .” Finally, Rule 45(d)(2)(B)(i) provides that “[a]t any time, . . . the serving party may move the court for the district where compliance is required for an order compelling production or inspection.”

While “[t]he definition of the phrase ‘where compliance is required’ is unclear,” *Raap v. Brier & Thorn, Inc.*, No. 17-MC-3001, 2017 WL 2462823, at \*2 (C.D. Ill. July 7, 2017) (collecting cases), this Court and others within this District have interpreted the phrase to mean the place where delivery of the subpoenaed documents is required (*see* ECF 51 (denying Plaintiff’s prior motion (ECF 50) seeking to compel GM to produce documents to Plaintiff’s counsel’s office in the Southern District of Indiana); *see also Agri-Labs Holdings, LLC v. TapLogic, LLC*, No. 1:15-cv-00026-RLM-SLC, 2015 WL 13655779, at \*1 (N.D. Ind. Oct. 20, 2015); *People’s Bank, Inc. v. Reliable Fast Cash, LLC*, No. 2:16-CV-399-RL-JEM, 2018 WL 3928991, at \*1 (N.D. Ind. July 5, 2018); *Gumwood HP Shopping Partners, L.P. v. Simon Prop. Grp., Inc.*, No. 3:11-cv-00268, 2014 WL 12780298, at \*3 (N.D. Ind. Nov. 20, 2014).

Here, Plaintiff served its subpoena on September 8, 2021, to GM’s Fort Wayne Assembly Plant in Roanoke, Indiana and directed GM to produce the subpoenaed documents to Plaintiff’s home in Fort Wayne, Indiana. (ECF 53 at 7-9). GM has not objected to the subpoena (*id.* at 3), and is now outside the time permitted by Rule 45(d)(2)(B) to do so. Plaintiff’s home is about fourteen miles from GM’s Fort Wayne Assembly Plant by road according to Google Maps, and thus, the subpoena does not command any production outside of the 100-mile radius permitted by Rule 45(c)(2)(A). *See Cloe v. City of Indianapolis*, 712 F.3d 1171, 1177 n.3 (7th Cir. 2013) (“We have taken judicial notice of—and drawn our distance estimates from—images available on Google Maps, a source whose accuracy cannot reasonably be questioned, at least for the purpose of determining general distances.”) (internal quotation marks and citation omitted), *overruled on other grounds by Ortiz v. Werner Enters., Inc.*, 834 F.3d 760 (7th Cir. 2016). Further, because the subpoena commands production in Fort Wayne, Indiana, this is the appropriate Court to decide Plaintiff’s motion to compel pursuant to Rule 45(d)(2)(B)(i). As a

result, Plaintiff's subpoena complies with Rule 45's procedural requirements, and GM has waived any basis for quashing the subpoena by failing to raise a timely objection. *See Whitlow v. Martin*, 263 F.R.D. 507, 510 (C.D. Ill. 2009).

Accordingly, Plaintiff's motion to compel (ECF 53) is GRANTED. GM is ordered to comply with the *subpoena duces tecum* (*id.* at 6-9) within fourteen days of receipt of this Opinion and Order. Further, the Clerk is directed to forward a copy of this Opinion and Order to the General Motors Fort Wayne Assembly Plant, at 12200 Lafayette Center Road, Roanoke, Indiana 46783.

SO ORDERED.

Entered this 7th day of December 2021.

/s/ Susan Collins

Susan Collins

United States Magistrate Judge